IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of:

      Benn Bollay

Serial No.	10/040,773	Group Art Unit: 2619
Filed:	12/28/2001	Examiner: Gregory B. Sefcheck
For:	CONTENT FILTERING USING STATIC SOURCE ROUTES	

<u>REPLY BRIEF</u>

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

      In response to the Examiner's Answer dated March 26, 2008, please consider the following remarks.

REMARKS

Appellants respectfully maintain that there are significant differences between content filtering as set forth in the present claims and packet filtering as set forth in the Mayer references. As recognized in the art, the two have different meanings. Content filtering specifically is described on page 1, line 25 – page 2, line 13 of the present application, although the entire Background is informative. Consequently, the claims of the present invention are significantly different than the teachings of Mayer which are pointed out below. With respect to the objection to the contended hyperlink, Appellant will take this up with the Examiner upon allowance by the Board to explain again to the Examiner the difference between an example of a website address and an actual hyperlink.

On page 9 of the Reply Brief, the Examiner states, "Firewalls are known to those of ordinary skill in the art to provide filtering of Internet service traffic (or "content") at the routers of the network, where Internet traffic consists of a series of packets." The Examiner then refers the Appellants to the Background of the Mayer patent. Appellants respectfully request the Examiner to review Wikipedia or some other source as to the history of firewalls. This should be kept in mind since the Mayer application was filed January 18, 2000. The first generation of firewalls according to Wikipedia started in 1988 and consisted of packet filters. The packet filters allowed packets to pass through the firewall unless they matched an established rule set. Packet filters do not review the content of the request such as the IP address, the source port or the destination IP address. Appellants respectfully disagree with the Examiner's contention that the packet filtering disclosed by the Mayer reference meets the limitations of content filtering. Thus, it is clear that a content filtering router is different than merely a packet router. Claim 1 recites receiving at a content filtering router a packet containing a request for content, where said

packet comprises a first destination Internet protocol (IP) address of a content server that stores

the content and a second destination IP address of the content filtering router.

One problem with the Mayer reference is the general purpose of the reference. In the

Appeal Brief, the Examiner was directed to the first two sentences of the abstract which state, "A

method and apparatus are disclosed for analyzing the operation of one or more gateways, such as

firewalls or routers, that perform a packet filtering function in a network environment. Given a

user query, the disclosed firewall analysis tool simulates the behavior of the various firewalls,

taking into account the network topology of the network environment, and determines which

portions of services or machines specified in the original query would manage to reach from the

source to the destination."

Because the Mayer reference is directed to a simulation tool, there are substantial

differences between the claims and the Mayer reference.

On page 10 of the Reply Brief, the Examiner states, "The rejection of claim 1 also

separately shows how the "determining" and "routing" steps of claim 1 are met by Mayer." The

second step of claim 1 recites, "Determining whether the first destination IP address is on a list

of destination IP addresses to be filtered." In the final office action, the Examiner states that the

disclosure of the query processing in Mayer is equivalent to determining if the destination of a

query is on a list of addresses to be filtered (corresponding to each gateway/firewall) and

propagating the query to the IP addresses of each of those multiple gateway/firewall (levels of

filtering routers) thus determined. The Examiner points to column 10, lines 27-38 of the Mayer

reference. As can be appreciated by the Board, there is no teaching for a list in this passage. In

fact, there is no teaching for determining whether the first destination IP address is on a list of

destination IP addresses to be filtered. Appellants do not agree that this passage refers to determining whether the first IP address is on a list of destination IP addresses to be filtered.

With respect to the last element of claim 1 which states, "Routing said packet to an output port on said content filtering router based on said first destination IP address and said list, Appellants respectfully submit that there is no list and that there is no content filtering router." Therefore, this element is not met by the Mayer reference.

On page 10 of the Examiner's Answer, the Examiner refers to the argument made for claim 2. In the Final Office Action, the Examiner pointed to column 5, lines 45-47 of the Mayer reference. While passing and dropping packets is set forth in the passage, the Examiner tries to extend this teaching in the Reply Brief. Appellants can find no teaching or suggestion for "ascertaining that said first IP address is on the list." This is one portion of the claim and, as mentioned above, Appellants respectfully submit that there is no teaching for ascertaining that a first IP address is on the list of destination IP addresses to be filtered. Claim 2 further recites the step of "directing said packet someplace other than said first destination IP address." Although "passing" packets is set forth, there is no teaching for directing the packet to someplace other than the first destination IP address that was determined in the step of ascertaining that the first IP address is on the list. This is a type of redirection and not merely passing along the packet through the first IP address. Therefore, this claim is not taught in the Mayer reference. Appellants respectfully request the Board to reverse the Examiner's position with respect to claim 2.

On page 11 of the Examiner's Answer, the Examiner addresses claim 3. In his rejection, the Examiner states, "As shown in the rejection of claim 3, Mayer discloses evaluating the 'query' for requesting service against the filtering files of gateways specified in the gateway-

zone graph. The rejection clearly shows that Mayer's gateway-zone graph is mapped to the claimed 'routing table'." In the Final Office Action, the Examiner pointed to column 6, lines 25-40. Although the Examiner in his rejection clearly believes that there is a routing table, Appellants respectfully submit that there is no teaching for a routing table or for a content-filtering router that has a routing table stored therein. Therefore, Appellants respectfully request the Board to reverse the Examiner's rejection.

Claim 4 depends from claim 3 which states that the step of ascertaining through which output port said packet should be forwarded based on said first destination IP address and a routing table stored on said content filtering router utilizes a routing protocol to determine the output port. As mentioned above, there is no teaching or suggestion for a routing table on a content filtering router and, thus, this claim is also not met by the Mayer reference. Appellants respectfully request the Board to reverse the Examiner's position with respect to claim 4.

In the paragraph bridging pages 11 and 12 of the Examiner's Answer, the Examiner address claim 7 which depends from claim 2. The Examiner points to column 10, lines 27-38 for this teaching. As mentioned above, this passage does not teach a content filtering router, let alone an additional content filtering router as set forth in claim 7. Therefore, there is no packet that comprises a third destination IP address of the additional content filtering router. Therefore, Appellants respectfully request the Board to reverse the Examiner's position with respect to claim 7 as well as claims 9 and 10.

On page 12 of the Examiner's Answer, the Examiner addresses claim 8. Claim 8 recites that directing comprises sending the packet to a service provider, such that the service provider can notify the user who made the request that the content has been blocked. Again, this claim specifically refers to content and blocking content. The Examiner again points to column 5, lines

45-47 for this teaching. As mentioned above, "passing" or "dropping" of packets is set forth in the Mayer reference. The Examiner then points to column 12, lines 1-5. However, this passage only refers to a rule which is responsible for passing or dropping a particular packet. In fact, there is no teaching for sending the packet to a service provider such that the service provider can notify a user who made the request that the content had been blocked.

On page 13 of the Examiner's Answer, the Examiner addresses claims 14 and 23. In his argument, the Examiner states, "Mayer's disclosure of simulation is irrelevant and does not exclude Mayer from disclosing the elements of the pending claims." Appellants merely cite that the simulation of the disclosure is relevant since it appears that the simulation performs completely different functions. The Examiner appears to be substantially twisting the recitations to try to formulate the present rejections. Both claims 14 and 23 are specifically directed to content filtering and include a content filtering router. This is not set forth in the recitations provided by the Examiner. Appellants, therefore, respectfully request the Board to reverse the Examiner's position with respect to these claims.

On page 14 of the Examiner's Answer, the Examiner addresses the rejection of claims 15 and 16 by pointing to the Final Office Action which points to column 10, lines 27-38. Claims 15 and 16 both refer to content filtering levels. There is no teaching or suggestion in the passages pointed to by the Examiner for content filtering levels, let alone content filtering. Appellants, therefore, respectfully request the Board to reverse the Examiner's position with respect to claims 15 and 16 as well.

On page 14 of the Examiner's Answer, the Examiner addresses claim 18. The Examiner points to column 10, lines 14-26 for teaching the steps of acquiring the source IP address as an indicator of whether the content filtering service is to be applied to the source IP address and

storing the source IP address and the indicator. Appellants have reviewed these passages and can find no teaching or suggestion for content filtering, an indicator of whether the content filtering service is to be applied to the source IP address, storing the source IP address or storing the indicator. Appellants, therefore, respectfully request the Board to reverse the Examiner's position with respect to claim 18.

Claims 19 and 20 are addressed on page 15 of the Examiner's Answer. Claims 19 and 20 both teach filtering levels associated with the source IP address. The Examiner merely points to the same passages in column 10 for this teaching. Claim 19 specifically recites obtaining a filter level associated with the source IP address and claim 20 recites acquiring a list of filtering levels and associated second destination IP addresses ... storing said list of filtering levels and associated second IP addresses. The multiple graphing does not teach or suggest obtaining a filtering level associated with the source IP address. Searching is performed but the key steps recited in both claims 19 and 20 are not set forth. Therefore, Appellants respectfully request the Board to reverse the Examiner's position with respect to claims 19 and 20.

On page 16 of the Examiner's Answer, the Examiner disagrees with the Appellant, since he believes that the gateway-zone graph set forth in column 10, lines 12 through 39 teaches filtering of files and a routing table. Appellants, as described above, respectfully disagree with this assertion. The gateway-zone graph 300 models the affect of the rule-base that is attached to the interface on the packets described in the query. The gateway-zone graph 300 does not teach or suggest a list of IP addresses to be filtered as set forth in the second element of claim 1. Therefore, Appellants respectfully request the Board to reverse the Examiner's position with respect to claims 1, 21 and 24.

On page 16, the Examiner addresses claims 11-13, 17 and 25. Claim 11 determines that the IP address is not on the list and claims 12 and 13 further define claim 11 and recite removing the second destination IP address from the packet or in claim 13 directing the packet toward the first destination IP address. Claims 17 and 25 are similar. Again, there is no teaching or suggestion for a list of IP addresses to be filtered as described above. Appellants, therefore, respectfully request the Board to reverse the Examiner's position with respect to claims 11-13, 17 and 25 as well.

On page 17 of the Examiner's Answer, the Examiner addresses Appellants' contention that there is no teaching or suggestion for the combination of the border gateway protocol of Shah with the disclosure of Mayer. The Shah reference is directed to a preferred mirror service in a network by evaluating a border gateway protocol. However, there is no teaching for using the border gateway protocol in a method for content filtering. Thus, content filtering is not taught or suggested in either the Shah reference or the Mayer reference. Appellants respectfully request the Examiner to reverse the Examiner's position with respect to claims 5 and 6.
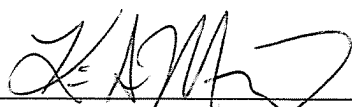
On page 18 of the Examiner's Answer, the Examiner states that Appellants fail to consider the broadest reasonable interpretations of the claims taken by the Examiner in rejecting the pending claims. However, Appellants respectfully submit that the Examiner has tried to manipulate the wording of the Mayer reference to encompass that which does not exist. As mentioned above, the Mayer reference teaches a simulation for analyzing one or more firewalls. Thus, the very premise of the Mayer reference is substantially different than that of the claims as set forth. Likewise, there is a substantial difference between content filtering and packet filtering. Furthermore, when taken element by element, the manipulation of the wording set forth by the Examiner cannot be reasonably interpreted to encompass the elements of the claims.

Appellants, therefore, respectfully request the Board to reverse the Examiner's position with respect to each and every claim of the present application in view of the above remarks and the Appeal Brief. Appellants thank the Board for their consideration. Should the Board have any questions regarding this matter, the Board is directed to contact the undersigned directly.

Please charge any fees required in the filing of this appeal to Deposit Account 50-0383.

Respectfully submitted,

Dated: May 13, 2008   By: _____

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